

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

VILLAGE OF GLENVIEW, an)
Illinois home rule municipal)
Corporation,)

Petitioner,)

vs.)

UNION PACIFIC RAILROAD COMPANY)
And ILLINOIS DEPARTMENT OF)
TRANSPORTATION,)

Respondents.)

No. T05-0006

RECEIVED
SEP 27 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

UNION PACIFIC RAILROAD COMPANY'S
MOTION CONCURRING WITH PETITIONER'S
MOTION TO VOLUNTARILY DISMISS ITS PETITION

NOW COMES the Union Pacific Railroad Company, a Delaware corporation ("Union Pacific"), by and through its attorney Mack H. Shumate, Jr., and for Union Pacific's Motion concurring with the Village of Glenview, an Illinois home rule municipal corporation, ("Glenview") Motion to Voluntarily Dismiss Glenview's Petition currently pending before the Illinois Commerce Commission ("ICC"), states as follows:

1. On or about February 7, 2005, Glenview filed its Petition with the ICC, seeking an order designating the existing West Lake Avenue railroad crossing of the track of the Union Pacific in Glenview as a hazard to pedestrians,

DOCKETED
SEP 27 2005

and directing the installation of automatic pedestrian crossing gates.

2. Union Pacific operates two mainline tracks running in a generally north and south direction through Glenview.

3. West Lake Avenue maintained by Glenview extends generally east and west.

4. Union Pacific's mainline tracks running through Glenview intersect with West Lake Avenue at a grade crossing just east of Pfingston Road ("Crossing").

5. The ICC, Glenview and Union Pacific have executed a Stipulated Agreement providing for the construction of the requested safety improvements at the Crossing (the "Stipulated Agreement").

A copy of the Stipulated Agreement as signed by both Glenview and Union Pacific was attached as Exhibit A to Glenview's Motion for Voluntary Dismissal.

6. On September 14, 2005, the ICC entered an Order accepting the Stipulated Agreement, and directed Union Pacific to perform the work at the Crossing as set forth therein.

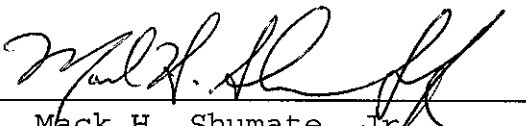
7. Pursuant to the acceptance of the Stipulated Agreement and the entry of the ICC Order, Union Pacific

concurs with Glenview's Motion to Voluntarily Dismiss its
Petition in this matter.

WHEREFORE, Respondent, Union Pacific Railroad Company,
a Delaware corporation, prays that the Illinois Commerce
Commission accept the Motion for Voluntary Dismissal filed
by the Village of Glenview, an Illinois home rule municipal
corporation and that the Illinois Commerce Commission issue
an Order directing both Union Pacific Railroad Company and
the Village of Glenview to perform their respective
obligations in accordance with the Stipulated Agreement and
render such additional orders by X-Resolution or otherwise
as the Illinois Commerce Commission deems necessary
relating to the signalization system at the subject
Crossing.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

By: 
Mack H. Shumate, Jr.
One of Its Attorneys

Mack H. Shumate, Jr., ARDC #02595532
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, IL 60606
312/777-2055
312/777-2065 (Fax)

G:\Law\Commerce\Commstat\Commil\T05-0006\004

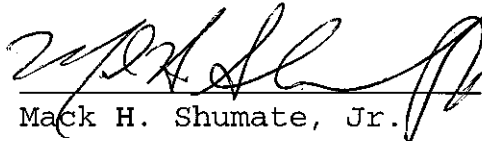
STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

VILLAGE OF GLENVIEW, an)	
Illinois home rule municipal)	
Corporation,)	
)	
Petitioner,)	
)	
vs.)	No. T05-0006
)	
UNION PACIFIC RAILROAD COMPANY))	
And ILLINOIS DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Respondents.)	

NOTICE OF FILING

TO: David Lazarides
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

PLEASE TAKE NOTICE that I caused to be filed this 26th day of September, Union Pacific Railroad Company's Concurrence Response to Petitioner's Motion for Voluntary Dismissal, a copy of which is attached hereto.


Mack H. Shumate, Jr.

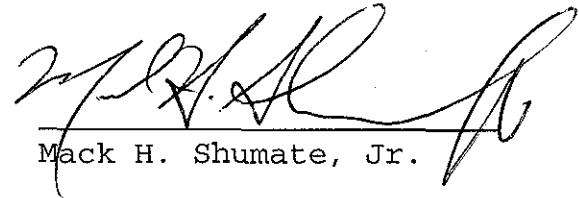
Mack H. Shumate, Jr., ARDC #02595532
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, IL 60606
312/777-2055
312/777-2065

CERTIFICATE OF SERVICE

I, Mack H. Shumate, Jr., attorney for Respondent Union Pacific Railroad Company, hereby certify that I served a copy of the attached Concurrence Response on the following at their respective addresses:

Eric C. Patt, Esq.
ROBBINS, SALOMON & PATT, LTD.
25 East Washington Street, Suite 1000
Chicago, IL 60602

Joseph H. O'Brien
Administrative Law Judge
Illinois Commerce Commission
527 East Capitol Avenue, 6th Floor
Springfield, IL 62701



Mack H. Shumate, Jr.